

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS
December 8, 2014
AGENDA

CALL TO ORDER

Business Meeting, Monday, December 8, 2014, 8:30 a.m., 630 Camp Street, New Orleans, 5th Floor.

Linda Gage-White, MD, PhD, MBA Federation of State Medical Boards, Personal Appearance, Monday, December 8, 2014, 9:00 a.m.

David Martin, MD, Chief, Section of Infectious Diseases, LSU Health Sciences Center, Personal Appearance, Monday, December 8, 2014, 10:00 a.m.

Personal Appearances, Monday, December 8, 2014, 1:00 p.m.

Oral Arguments, Investigative Matter, Monday, December 8, 2014, 2:00 pm.

PUBLIC SESSION

1. MINUTES/PRIOR MEETINGS/CONFERENCES

Approval of minutes of last meeting.

Status report on action items of prior Board meetings.

Report on assignments to counsel.

2. RULINGS AND ADVISORY OPINIONS

Ownership of patient's medical records.

Role of podiatrist and nurse practitioner.

3. COMMUNICATIONS AND INFORMATION

American Board of Cosmetic Surgery.

Federation of State Medical Boards; call for nominations.

4. GENERAL ADMINISTRATIVE MATTERS¹

Financial Report; 2015 Budget.

President's Report.

Executive Director's Report.

Athletic Trainer's Advisory Committee; Nominations.

PMP Form letter.

Guidance for MPs relative to Acts 136 and 137.

Professional Legal Services Contract; Board Resolution.

5. RULES AND REGULATIONS

Final Rules/Amendments: Physicians and Surgeons – Office-Based Surgery:

The Board considered suggestions for amendment of its office-based surgery rules. A revised draft incorporating the suggested changes was considered and further suggestions were presented in a revised draft. Following review and discussion, the Board voted to provide *Notice of Intent* to adopt the rule amendments. Prior to publication of said *Notice of Intent*, staff suggested additional changes at its August 2013 meeting relative to the performance of office-based procedures using moderate or conscious sedation. Pursuant to the Board's instructions, a revised draft incorporating comments and suggestions of Board members and staff was considered by the Board at its December 2013 and its January and February 2014 meeting at which time the Board voted to provide *Notice of Intent* to adopt the rule amendment. Minor changes suggested by staff were presented for the Board's consideration at its June 2014 meeting and upon approval, the Board voted to provide *Notice of Intent* to adopt the rules amendments appeared in the July 2014 edition of the *Louisiana Register*. A request for a public hearing was not received; however two (2) written comments were considered by the Board at its September 2014 meeting. The Board's responses were included in the Legislative Report. The rule amendments became final upon promulgation in the October 2014 edition of the *Louisiana Register*.

Rules/Amendments: Noticed for Intent Physicians and Surgeons – Collaborating Physicians: The Board expressed a desire to consider the

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development of rules relative to physicians who collaborate with advanced practice registered nurses. A draft was prepared by staff for initial review and consideration at its October 2013 meeting. A revised draft incorporating comments and suggestions was considered by the Board at its December 2013 meeting. Following review and consideration, the Board elected to preview the draft to several professional organizations (LSMS, LMA, and LAFP) and the Louisiana State Board of Nursing. Revised drafts (annotated/clean) incorporating certain suggestions were reviewed by the Board at its March 2014 meeting at which time the Board voted to approve the draft pending receipt of additional suggestions. Additional revisions to the draft were offered by the Board during the May and June 2014 meeting. Following consideration and discussion of the latest revised draft at its June 2014 meeting, the Board voted to provide *Notice of Intent* to adopt the rules. Said *Notice of Intent* appeared in the August 2014 edition of the *Louisiana Register*. A number of written comments were received during comment period and a public hearing was held on September 24, 2014 to receive comments, views, arguments and data on the proposed rules. **Physicians and Surgeons – Unprofessional Conduct:** During its April 2013 meeting, the Board expressed a desire to consider the development of rules correlating a physician representing himself or herself as a specialist in a particular field of practice with appropriate formal training in that field. Pursuant to the Board's direction, a draft of such rules is being prepared for initial review and consideration. The draft also includes a prohibition against a physician prescribing of controlled substances to one's self or immediate family members in the absence of an emergency. A draft was submitted for the Board's review at its August and September 2013 meetings. At its October 2013 meeting, the Board determined to defer that part of the proposed rule dealing with self-prescribing and to provide *Notice of Intent* to adopt the amendments on unprofessional conduct in the *Louisiana Register*. Prior to publication, additional information is being sought. Staff presented additional information concerning self/immediate family-prescribing of controlled substances at its June 2014 meeting. Following review and discussion, the Board elected to provide *Notice of Intent* to adopt the rules in the *Louisiana Register*. It is anticipated that such *Notice of Intent* will appear in the October 2014 edition of the *Louisiana Register*. Comments received during the comment period which ended November 19, 2014 are included for the Board's consideration. **Occupational Therapy:** The Occupational Therapy Advisory Committee has proposed a number of amendments to the Board's rules respecting occupational therapists. Following review by Board staff, and a number of revisions to conform the rules to the law, a revised draft was returned to the Committee Chair for review. Minor substantive suggestions for revision or modification have been received and incorporated into the draft. In sum the proposed amendments update the rules generally, insert additional language provided in the law, update definitions and practice standards, rearrange various provisions and delete others that are no longer needed. At the July 2014 meeting, a draft was presented for initial review and consideration. At its August 2014 meeting, the Board considered additional revisions suggested by staff, and, thereafter, elected to provide *Notice of Intent* to adopt the amendments. Said *Notice of Intent* appeared in the October 2014 edition of the *Louisiana Register*. Comments received during the comment period which ended November 19, 2014 are included for the Board's consideration. **Physicians and Surgeons – Telemedicine:** Act 442 of the 2012 Legislative Session, which amended R.S. 37:1271 of the Medical Practice Act necessitates various changes to the Board's existing Telemedicine Rules. Preliminary suggestions were presented to the Board during its July 2014 meeting for consideration and discussion. A revised draft was presented for consideration and discussion at its August 2014 meeting, at which time

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the Board voted to provide *Notice of Intent* to adopt the amendments. A draft containing technical and one substantive change is presented for review and discussion. Said *Notice of Intent* appeared in the October 2014 edition of the *Louisiana Register*. Comments received during the comment period which ended November 19, 2014 are included for the Board's consideration.

Rules/Amendments under Development: The following rules are under consideration by the Board. **Midwifery:** Amendments to the existing rules governing licensed midwife practitioners incorporating changes pursuant to the Louisiana Midwifery Practice Act during the 2012 session of the Legislature, updating the rules generally and rearranging sections for ease of reference are presented to the Board for consideration and discussion. **Physician Assistants:** During the October 2014 meeting, the Board elected to undertake a rulemaking effort to remove the co-signature requirement for PA services from its existing rules and replace it with alternative methods of physician oversight (e.g., chart review) based on experience and a PA's major area of practice. Presented for the Board's consideration are suggestions for a form of amendment, based on the discussion during the October 2014 meeting and direction from the Board's President along with suggestions offered by the Louisiana Association of Physician Assistants.

EXECUTIVE SESSION

1. MALPRACTICE COMMITTEE REPORT

Professional liability reports.

2. REPORTS INVESTIGATIONS/ADJUDICATIONS/LITIGATION

Investigation reports.

Formal hearings and personal appearance schedule.

3. LITIGATION

Reports on pending appeals/suits/petitions.

4. ADJUDICATION REPORT

5. GENERAL DISCIPLINARY MATTERS

Review of requests for reinstatement to full, unrestricted status, off probation.

Review of request for modification of the terms of a Board order.

6. LICENSURE AND CERTIFICATION

Clinical Laboratory Personnel, non-routine applicants.

Occupational Therapists, non-routine applicants.

Advanced Practice - Surgical Treatment of the Ankle, applicant.

Graduates of International Medical Schools

Non-routine applicants.

Request for a waiver of licensure requirement for assistant professor on tenure track.

Graduates of US/Canadian Medical Schools

Non-routine applicants.

Other Licensure Matters

Clinical Exercise Physiologists; waiver of examination attempt.

Post-graduate training in relation to physician discipline.

Board Orientation Evaluations

7. NEXT MEETING

Next meeting of the Board – January 12, 13, 2015.